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**OFFICER: DAVID ESPARRAGOZA
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DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. THE NEW YORK CITY POLICE DEPARTMENT HAS DEEMED SUBSTANTIATED ALLEGATIONS OF DISPUTED ARREST AND MEMO BOOK IMPROPER/INCOMPLETE: ON TUESDAY, FEBRUARY 24, 2015, AT APPROXIMATELY 2205, OFFICER ESPARRAGOZA WAS IN THE VICINITY OF 1541 FULTON STREET AT WHICH TIME HE ARRESTED [A MAN] AND CHARGED HIM WITH CPCS SEVENTH DEGREE FOR BEING IN POSSESSION OF A "VIAGRA" PILL. THIS ARREST WAS DISMISSED AT ARRAIGNMENT BECAUSE "VIAGRA" IS NOT A CONTROLLED SUBSTANCE LISTED IN THE PENAL LAW. OFFICER ESPARRAGOZA STATED DURING HIS P.G. [INTERVIEW] THAT HE DID NOT LOOK UP THE CHARGE OF CPCS SEVENTH DEGREE IN THE PENAL LAW TO ENSURE HE HAD A VALID ARREST WHEN HE WAS AT THE PRECINCT PROCESSING THE ARREST. OFFICER ESPARRAGOZA STATED THAT [A LIEUTENANT] WAS PRESENT AT THE SCENE AND VERIFIED THE ARREST AND THE CHARGE OF CPCS SEVENTH DEGREE, BUT BEING THE ARRESTING OFFICER, OFFICER ESPARRAGOZA, SHOULD HAVE LOOKED UP THE CHARGE IN THE PENAL LAW TO ENSURE THAT HE HAD A VALID ARREST. OFFICER ESPARRAGOZA'S MEMO BOOK IS A MESS FOR THAT DAY, HE HAS MORE THAN ONE ENTRY FOR TUESDAY, 2/24/15. OFFICER ESPARRAGOZA DOES NOT HAVE A MEAL TIME ENTERED FOR THAT DAY NOR DOES HE HAVE ENTERED IN HIS MEMO BOOK WHO THE OPERATOR OR RECORDER WAS. HE DOES NOT HAVE THE NAME OF THE SUPERVISOR THAT WAS AT THE SCENE AND VERIFIED THE ARREST HE HAS ONLY "LT" PRESENT. THERE WERE TWO (2) DIFFERENT LIEUTENANTS SUPERVISING HIM THAT DAY. (1) ONE FOR THE FIRST PART OF THE TOUR, [A FIRST LIEUTENANT], AND [A SECOND LIEUTENANT] FOR THE SECOND PART OF THE TOUR. OFFICER ESPARRAGOZA ACKNOWLEDGED THAT THERE WERE OTHER OCCUPANTS IN THE CAR, WHICH HE HAD STOPPED AND WHICH LED TO AN ARREST OF [THE MAN], BUT OFFICER ESPARRAGOZA STATED THAT HE COULD NOT REMEMBER HOW MANY PASSENGERS THERE WERE IN THE CAR, HE THOUGHT THERE WERE TWO (2) (ALLEGEDLY THERE WERE FOUR (4) PASSENGERS INCLUDING [THE MAN ARRESTED]) AND HE STATED THAT HE FORGOT TO RECORD THEIR NAMES AND PEDIGREE. OFFICER ESPARRAGOZA FAILED TO ENTER ANYTHING ABOUT THE CAR STOP WHICH LED UP TO THE ARREST IN HIS MEMO BOOK, HE STATED HE FORGOT. OFFICER ESPARRAGOZA STATED THAT SINCE [THE MAN'S] [H]ANDS WERE NEAR THE FLOOR OF THE CAR, HE INSTRUCTED HIM TO EXIT THE CAR AND RECOVERED A PRESCRIPTION BOTTLE WITH [THE MAN'S] NAME ON IT WHICH WAS LABELED FOR IBUPROFEN. OFFICER ESPARRAGOZA STATED THAT [THE MAN] TOLD HIM WAS "VIAGRA". WHEN ASKED [IF] HE ATTEMPTED TO IDENTIFY THE PILL AT THE PRECINCT BY ITS DESCRIPTION, COLOR OR NUMBERS ON THE PILL, OFFICER ESPARRAGOZA STATED, "NO". OFFICER ESPARRAGOZA STATED THAT HE DROVE [THE MAN'S] CAR INTO THE STATION HOUSE AND PARKED IT ON GREEN STREET WHERE A SIGN STATED FOR POLICE VEHICLE ONLY. AS A RESULT, [THE MAN] RECEIVED A SUMMONS. OFFICER ESPARRAGOZA WAS CONTACTED BY [THE MAN] ABOUT RECEIVING THE SUMMONS AND AS A RESULT OFFICER ESPARRAGOZA TOOK THE SUMMONS AND WENT DOWN TO COURT AND PAID THE FINE. HE PRODUCED A RECEIPT FOR PAYING FOR SAID SUMMONS, BUT DID NOT RECORD IT EVEN IN HIS MEMO BOOK REGARDING TALKING TO [THE MAN], TAKING POSSESSION OF THE SUMMONS OR GOING TO COURT AND PAYING THE FINE. THERE IS NO ENTRY IN HIS MEMO BOOK FOR TRANSPORTING THE CAR INTO THE STATION HOUSE. ALTHOUGH [A LIEUTENANT] "VERIFIED" THE ARREST, OFFICER ESPARRAGOZA BEING A POLICE OFFICER, MUST KNOW

WHAT HE IS TALKING ABOUT AND HAVE THE PROPER CHARGES LISTED ON THE ONLINE BOOKING COMPLAINT WHEN MAKING AN ARREST AND THEN COMMUNICATING THAT ARREST TO AN ADA. OFFICER ESPARRAGOZA FAILED TO EFFECT A PROPER ARREST AND HE WAS IN VIOLATION OF PATROL GUIDE 212-08.

2. David Esparragoza is a named defendant in the civil action Earl Mcleod v. City of New York et al., 15CV04985, filed in the United States District Court for the Eastern District of New York, for an incident on February 24, 2015.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: November 11, 2020